

REMARKS

A. The Section 103 Rejections

Claims 1-32 were rejected under 35 USC §103 as allegedly being unpatentable over U.S. Patent No. 6,085,098 to Moon et. al. (“Moon”) in view of U.S. Patent No. 5,812,953 to Griffith et al (“Griffith”). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Initially, Applicants note the acknowledgement by the Examiner that Moon does not disclose the step of “transmitting selected settings to a wireless service provider via [an] IP-based network.” (see page 2 of the Office Action). To overcome these deficiencies, the Examiner relies on Griffith.

However, Griffith does not disclose the claimed transmissions. Rather, activation of a cell phone in Griffith may include the transmission of: (a) user responses to questions regarding activation, and (b) a user signature, from a user’s cell phone or personal computer to a “customer activation center” ...” via a Mobile Telephone Switching Office (MTSO) or the Public Switched Telephone Network (PSTN). Griffith’s transmissions do not involve an IP-based network.

Further, it is respectfully submitted that the combination of Moon and Griffith is impermissibly because such a combination would require the principle of operation of one or more of these references to be changed. For example, Griffith’s principle of operation must be changed to work with IP networks. However, this would apparently destroy Griffith’s principle of operation because it explicitly relies upon transmissions over a cellular network (e.g., MTSO) or PSTN.

Accordingly, because neither Moon nor Griffith discloses or suggests a method for configuring a wireless device which comprises, among other things, transmitting selected

settings to a wireless service provider via an IP-based network, Applicants respectfully request withdrawal of the rejections and allowance of claims 1-32.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By: /John E. Curtin/
John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330